

Appl. No. 10/677,925
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Amendment and Response to Office Action dated 02/09/2007
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REMARKS

Upon entry of the present amendment, Claims 1-20 will be pending. Claims 1, 7, and 15 have been amended and Claim 20 has been added. No new matter has been added. For the reasons set forth below, Applicant believes that the rejections should be withdrawn and that the claims are in condition for allowance.

I. Claim Rejections – 35 U.S.C. § 102(e)

The Examiner rejected Claims 1 and 3-19, under 35 U.S.C. § 102(e) as being anticipated by U.S. Pub. No. 20030212684 to Meyer *et. al* ("Meyer"). In order to anticipate a claim under 35 U.S.C. § 102(e), a reference must disclose each and every element of a claim. M.P.E.P. § 2131. As discussed below, this rejection is respectfully traversed.

Claim 1

With respect to Claim 1, Meyer lacks one or more features of the claimed invention. Meyer describes remotely configuring devices based on their geographic location. However, Meyer does not describe or suggest maintaining an association between a distribution device and the geographic location the distribution device serves, where the geographic location of the distribution device is not necessarily the geographic location served. Figure 1 of Meyer illustrates a service provider (32) connected to an intermediate server (60) that tracks the location of portable devices (12) and remotely configures the devices via network (20). The intermediate server maintains location and preference information for the devices. The location information can be provided by the devices, using GPS or user entered data, or can be determined by the intermediate server, using triangulation techniques or cellular-tower proximity information. Paragraph 0091. The location information and the preference information are used to configure the device. For example, if the device is used in multiple geographic locations, each of which requires different access configurations, then the location and preference information are used to remotely and automatically configure the device. Paragraph 0097.

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The present invention is directed to maintaining an association between a distribution device, such as a receiver unit located at a cable head end, and a shared end user characteristic, such as location. For example, the claimed invention determines the geographic locations of the users served by a receiver unit. Thus, according to the present invention a distribution device, receiver unit (unique ID: #0081) could be located in Atlanta, Georgia and provide service to end users/viewers in Athens, Georgia and Marietta, Georgia. In this example, the present invention would maintain an association in a database between the receiver unit (#0081) and the areas served by the receiver unit #0081. This association is different from any association between the receiver unit ID and the physical location of the receiver unit. In a cable television embodiment, the association between the receiver unit and the shared end user characteristic is important because the receiver unit may create customized programming based on the characteristics of the end users served. To determine the locations served by the receiver unit, Claim 1 recites that the unique ID that identifies the receiver unit is provided to the end viewers and requests that at least one end viewer associate the ID with their geographic area. Upon receiving the information from the users, a database that stores the geographic areas served by the receiver unit is updated.

Meyer does not describe that the intermediate server sends a unique ID associated with the remote device to the remote device and requests that users of the device associate the unique ID with their location. Instead, Meyer describes that the location of the device is determined solely by the device or by the intermediate server. It is not clear whether Meyer contemplates multiple intermediate servers or not, but assuming that Meyer describes multiple intermediate server, the important determination is the absolute geographical location of the end users served by the devices, not the association between a particular intermediate server and the device.

The Examiner alleged that Paragraphs 0023, 0061, and 0091 of Meyer describe providing a unique receiver unit ID. Paragraph 0023 describes that people want more control over their electronic devices, Paragraph 0061 describes how a service provider creates an

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account for each user who uses the services provided by the service provider, and Paragraph 0091 describes how the location of a remote device is determined.

More specifically, Paragraph 0061 of Meyer does not describe or disclose any communication between the intermediate server and the remote devices regarding a unique ID for the intermediate server. Meyer describes user accounts containing information identifying/describing (e.g., cell phone number) what remote devices can be used by the user in conjunction with the account to access services provided by the service provider through the intermediate server. Account information is merely passed on to the intermediate server, which saves it in a DNA table. The intermediate server simply uses the DNA table to identify the remote device in order to provide the subscribed services. Paragraph 0061. In Meyer the intermediate server never sends a unique ID to the remote device.

More specifically, Paragraph 0091 of Meyer does not describe or disclose the intermediate server sending a unique ID to the remote devices. Paragraph 0091 describes a "last known location field" that contains a designation denoting the last known location from which the remote device accessed the intermediate server. The last known location information is provided to the intermediate server by the devices, using GPS or user entered data, or can be determined by the intermediate server, using triangulation techniques or cellular-tower proximity information. Paragraph 0091 discloses a method to determine the last known geographic location of the remote device. None of the sections cited by the Examiner describe or suggest that the intermediate server provides a unique ID to the remote devices.

The Examiner also alleged that Paragraphs 0016, 0018, and 0044 of Meyer describe requesting that an end viewer associate the unique ID with the geographic area associated with the end viewer. Paragraph 0016 describes enhanced services available in the next generation of screen phones, Paragraph 0018 describes the need for upgrades to connect a variety of entertainment devices, and Paragraph 0044 describes remotely configuring remote devices with specific properties based on the devices' physical geographic locations.

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More specifically, Paragraph 0044 of Meyer does not describe the intermediate server sending a unique ID to remote devices and requesting end users to confirm their (the users') location. Paragraph 0044 describes a remote system receiving the location data regarding the geographic location of the remote device, then identifying the set of preferences corresponding to the remote device and geographic location of the remote device. Lastly, the system transmits the set of preferences to the remote device, thereby affecting the electronic communications of the device. Meyer merely discloses a method to remotely configure a remote device with a set of preferences based on the physical location of the remote device. None of the sections cited by the Examiner describe or suggest an intermediate server requesting a user to associate a unique ID received from a receiver unit with a geographic area (served by the receiver unit).

It is submitted that Meyer does not describe each and every element of Claim 1 since Meyer does not describe providing a unique receiver unit ID and, requesting and receiving an association between the unique ID and a geographic area associated with a user. The rejection is thus improper and should be withdrawn.

Claims 10 and 15

Independent Claims 10 and 15 also require providing a unique receiver unit ID, requesting an association between the ID and a geographic area, and updating a database based on the received association and are distinguishable over Meyer for at least the same reasons as Claim 1.

Claims 3-9, 11-14 and 16-19

Dependent Claims 3-9, 11-14 and 16-19 depend from independent Claims 1, 10 and 15 respectively. The dependent claims are distinguishable from Meyer for at least the same reasons as the independent claims.

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II. Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected Claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Meyer in view of U.S. Pub. No. 20020156917 to Nye (“Nye”). For at least the following reasons, the Applicant respectfully traverses this rejection.

Claim 2 depends directly from independent Claim 1. Accordingly, for at least the same reasons discussed above, Claim 2 is patentable over Meyer in view of Nye.

III. New Claim 20

New Claim 20 has been added and is supported by the specification (see e.g., pages 7-8; Fig. 2). Independent Claim 20 recites similar elements to those recited in Claim 1, and more specifically defines how the unique ID is sent to end users served by the receiver unit. Accordingly, for at least the same reasons discussed above, Applicant believes Claim 20 is patentable. No new matter has been added.

REQUEST FOR INTERVIEW

The undersigned requests an interview with Examiner regarding this response prior to examination. The undersigned will contact the Examiner to schedule an interview. However, if the Examiner is ready to examine the case and no interview has been conducted, the Examiner is asked to contact the undersigned at 404.685.6799 prior to examination.

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CONCLUSION

The foregoing is submitted as a complete response to the Office Action identified above. Applicant believes that all rejections are improper and should be withdrawn. The application should now be in condition for allowance, and the Applicant solicits a notice to that effect. If there are any issues that can be resolved via a telephone conference, the Examiner is asked to contact the undersigned at 404.685.6799. The Commission is authorized to charge any additional fees that may be due or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,


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Docket No.: W2100/280782
Date: June 5, 2007